REMARKS

Several corrections have been made to the specification. Claims 43 – 45 have been added. No new matter has been introduced with these corrections or added claims, which are supported in the specification as originally filed. Claims 1 – 45 are now in the application.

I. Proposed Replacement Drawings

As discussed above in "Amendments to the Drawings", proposed replacement drawings are submitted herewith for Figs. 4 and 6 to correct typographical errors and improve readability. No new matter is introduced with these proposed replacement drawings, all of which are supported by the specification and drawings as originally filed.

II. Rejection Under 35 U.S.C. §102

Paragraph 1 of the Office Action dated June 25, 2004 (hereinafter, "the Office Action") states that Claims 1 – 3, 5 – 7, 11 – 17, 19 – 21, 25 – 31, 33 – 35, and 39 – 42 are rejected under 35 U.S.C. §102(e) as being anticipated by U. S. Patent 6,079,020 (mistyped in the Office Action as US 6,079,202) to Liu. This rejection is respectfully traversed.

Applicant's independent Claims 1 - 2, 15 - 16, and 29 - 30 specify protected network segments that reach the endpoints of a network path. For example, lines 4 –5 of Claim 1 specify "... each of a plurality of network segments that comprise a network path from a datagram originator to a datagram destination, ..." (emphasis added), while lines 7 – 8 of Claim 2 specify "... establishing a first protected network segment from the datagram originator to a first gateway

..." (emphasis added) and lines 12 – 14 of that claim specify "... cascading a last protected network segment from a final one of the gateways to the datagram destination, ..." (emphasis added).

Liu has no teaching of protected segments to endpoints, and instead, protects the network path only between the gateways. Problems that may arise when using approaches such as Liu's have been discussed in Applicant's specification. See, for example, p. 7, lines 10 – 19.

In Liu's Fig. 2, the depicted processing (see steps 220 – 260) for a transmitted packet (see step 200) occurs after the outbound data packet has been received at a VPN gateway (see step 210). The corresponding text in col. 7, lines 12 – 15 states that the outbound packet "is initially be [sic] treated as an ordinary Internet data packet". That is, encryption has not yet occurred. Col. 7, lines 22 – 45 (and in particular, see lines 41 – 45) further explain that the sending VPN gateway makes the determination whether the packet should be encrypted, and performs that encryption, based on membership within a common VPN group. In other words, Liu fails to teach encrypting the packet on the network segment between the packet originator and the VPN gateway. This is in contrast to Applicant's claimed invention, where the network segment between a datagram originator and the first gateway in the network path to the datagram's destination is specified as "independently secur[ed]" (Claim 1, lines 4) or a "protected network segment" (Claim 2, lines 7 – 8).

See also Liu's Fig. 3, where the depicted processing pertains to a gateway receiving a

packet (see steps 300, 310) addressed to a destination, and if the packet was encrypted, that gateway performs a decryption process to "reconstruct" the packet (see step 340) prior to delivering the reconstructed packet to the destination endpoint (see step 350). The corresponding text in col. 8, lines 16 – 33 (and in particular lines 30 – 33) further explain that the receiving VPN gateway "recover[s] the original data packet as it was provided from the source endstation". This is in contrast to Applicant's claimed invention, where the network segment to the datagram destination is specified as "independently secur[ed]" (Claim 1, line 4) or a "protected network segment" (Claim 2, lines 12 – 13).

Other references to Liu's gateway-performed encryption and decryption include the cited text in col. 6, line 59 - col. 7, line 3, where it is stated that the VPN gateway on the sending side ensures (when the source and destination are both members of the same VPN) that a data packet "is properly encrypted" and the VPN gateway on the receiving side "decrypts ... the packet before forwarding it toward the destination endstation" (emphasis added). Col. 10, lines 49 – 52 state that "each VPN gateway [is allowed] to determine which communications are to be encrypted", based on configuration parameters. Col. 3, lines 23 – 31 also discuss receipt of configuration parameters "at the VPN gateway", and then using this information to "ensure[] that the communication [between nodes belonging to the same VPN] is transmitted securely".

Accordingly, Applicant respectfully submits that Liu fails to teach "independently securing each of a plurality of network segments that comprise a network path from a datagram originator to a datagram destination" (emphasis added), in contrast to Applicant's independent

Claims 1, 15, and 29, and "protecting each of a plurality of network segments that comprise a network path from a datagram originator to a datagram destination" (emphasis added), in contract to Applicant's independent Claims 2, 16, and 30. Thus, a *prima facie* case of anticipation has not been made out with regard to these independent claims, and without more, these claims are deemed patentable. See ***In re Oetiker***, 24 USPQ 2d 1443, 1444 (Fed. Cir. 1992), which stated, "If the examination at the initial stage does not produce a prima facie case of unpatentability, then without more the applicant is entitled to grant of the patent."

Applicant therefore respectfully requests that the Examiner withdraw the §102 rejection of Claims 1 – 3, 5 – 7, 11 – 17, 19 – 21, 25 – 31, 33 – 35, and 39 – 42.

III. Rejection Under 35 U.S.C. §103

Paragraph 2 of the Office Action states that Claims 4, 9, 17, 18, 32, and 37 are rejected under 35 U.S.C. §103(a) as being unpatentable over Liu in view of U.S. Patent 6,484,257 to Ellis. This rejection is respectfully traversed.

As demonstrated above, a *prima facie* case of anticipation has not been made out as to Applicant's independent claims. Therefore, Applicant respectfully submits that a combination of Liu and Ellis (assuming, *arguendo*, that such combination could be made and that one of skill in the art would be motivated to attempt the combination) fails to render Applicant's dependent claims obvious. Applicant therefore respectfully requests that the Examiner withdraw the §103 rejection of Claims 4, 9, 17, 18, 32, and 37.

IV. Allowable Subject Matter

Paragraph 3 of the Office Action states that Claims 8, 10, 22 – 24, 36, and 38 are objected to as being dependent on a rejected base claim, but would be allowable if rewritten in independent form to include all the limitations of the base claim and any intervening claims. As noted above, Applicant respectfully submits that the independent claims on which these dependent claims depend are patentable over the cited references. However, Applicant has created new independent Claims 43 – 45 that contain limitations based on a combination of Claims 2, 5, and 10 (and a combination of Claims 16, 19, and 24, and a combination of Claims 30, 33, and 38, respectively). According to Paragraph 3 of the Office Action, these new Claims 43 – 45 are deemed patentable.

V. Conclusion

Applicant respectfully requests reconsideration of the pending rejected claims, withdrawal of all presently outstanding rejections, and allowance of all claims at an early date.

Respectfully submitted,

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Attachments: Replacement Sheets (2)